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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554
Federal Communications Commission
Office of Secretary

In the Matter of

CS Docket No. 97-55

Industry Proposal for Rating
Video Programming

Comments of
THE INSTITUTE FOR PUBLIC AFFAIRS

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The Institute for Public Affairs of the Union of Orthodox Jewish Congregations of America ("IPA") submits the following in response to the Federal Communication Commission ("FCC" or "Commission") Public Notice of February 7, 1997,^{1/} in which the Commission seeks comment on whether the industry proposal for rating video programming is "acceptable"^{2/} and whether it satisfies Congress' concerns. (While the IPA has joined in the comments submitted by a coalition of groups opposed to the proposed system, it files these separate comments to highlight the particular concern of the religious community over the proposed system.)

I. THE INDUSTRY RATINGS SYSTEM DOES NOT EFFECTIVELY ADDRESS THE NEEDS OF PARENTS WHO WISH TO CONTROL THEIR CHILDREN'S EXPOSURE TO VIOLENCE, SEXUAL CONTENT, AND COARSE LANGUAGE.

The V-Chip statute was passed in response to parents' grave concern about harmful video programming and their strong support for technology that would give them greater control to block such programming.^{3/} The industry ratings system, with its age-based advisory apparatus, does not effectively address the needs of parents. According to a recent study conducted by the National PTA, over 80% of parents prefer a system that provides separate ratings for each program based on

^{1/} Public Notice, *Commission Seeks Comment on Industry proposal for Rating Video Programming*, CS Docket No. 97-55, FCC 97-34, Report No. CS97-6 (February 7, 1997).

^{2/} Telecommunications Act of 1996, Pub. L. No. 104-104, title V, subtitle B, § 551(e)(1), 110 Stat. 56, 142 (1996).

^{3/} See *id.* at § 551(a)(7), 110 Stat. 56, 140.

violence, sex, and adult language, rather than an age-based ratings system.^{4/}

Parents, who are the most concerned with the mental health and moral development of their children, and whom the V-Chip statute was meant to empower, deserve to be heeded by the Commission, especially when they have voiced their preferences with near unanimity.

The reasons behind parental dissatisfaction with age-based systems when compared to content-based systems are not hard to fathom. Age-based advisory systems do not provide parents with specific information about the content of individual programs. The National PTA study reports that parents found the HBO/Showtime ratings system to be significantly more helpful and more objective than any age-based system because the HBO system specifies the type and intensity of violence, sex, and adult language.^{5/}

Worse yet, however, is that an age-based advisory system takes the most important judgments out of the hands of parents and places them squarely in the hands of the TV industry. The television industry evaluates the content of each program and decides whether it is suitable for children in a particular age group. An age-based advisory system universalizes one standard of program suitability for all children and applies it irrespective of the desires and convictions of the different communities which make up this great Nation.

It is in this respect that perhaps a religious sensibility may highlight the imperfections of the industry's proposed system. Adherents of Orthodox Judaism

^{4/} See *What Parents Want in a Television Rating System: Result of a National Survey*, Survey from the National PTA/Institute for Mental Health Initiatives (conducted by the University of Wisconsin-Madison) (released Nov. 21, 1996).

^{5/} *Id.*

(presumably, much like the members of other religious communities) place little confidence in the judgments of the television industry as to which programs are suitable for each of their children in a particular age range. All Americans justifiably should be proud of the vibrancy of the many and varied communities of faith throughout our Nation. A system intended to assist America's parents in rearing their children should respect and reflect that diversity.

The V-Chip statutory findings report that, presently, a young child is exposed to an estimated 8,000 murders and 100,000 acts of televised violence by the time he or she completes elementary school.^{6/} Some of that programming might be considered suitable for young children by the TV industry -- such as cartoons which contain an abundance of violent incidents and clearly are directed to a young viewing audience -- but parents who are concerned with their children's moral development and mental health may proffer a less forgiving view.

Age-based advisory systems conflate violence, sex, and language issues in a single judgment about a program. Parents, who should be empowered to make the ultimate decisions about which programs are suitable and which are not, cannot know why a show has been rated in a given way. According to the industry guidelines, the industry's PG rating indicates that a program "may contain material that some parents would find unsuitable for younger children."^{7/} The industry's TV-14 rating tells parents that a program in this category "may contain sophisticated

^{6/} Telecommunications Act of 1996, § 551(a)(5), 110 Stat. 56, 140.

^{7/} See Industry Proposal.

themes, sexual content, strong language and more intense violence."^{8/} Without a more precise indication of the degree and intensity of violence, sexual situations, and adult language, parents remain mired in the same morass from which the Telecommunications Act was supposed to save them. They are essentially, once again, at the mercy of the television industry.

II. A CONTENT-BASED SYSTEM MUCH MORE EFFECTIVELY ADDRESSES THE NEEDS OF PARENTS WHO WISH TO CONTROL THEIR CHILDREN'S EXPOSURE TO VIOLENCE, SEXUAL CONTENT, AND COARSE LANGUAGE.

A content-based system, which includes symbols with clearly separate ratings regarding violence, sex, and language, should be acceptable to the Commission under the V-Chip statute. The aforementioned National PTA study showed that 80% of American parents polled favor a content-based system as compared to an age-based one.^{9/} Such a system allows parents to judge what is or is not acceptable for their children, based on specific information about television programming. A content-based system has the added advantage of implicitly recognizing and validating the notion that there are different standards of suitability for children from different communities or backgrounds who have different characteristics and experiences.


Diversity of race, ethnicity and religious and moral belief has contributed mightily to what has made this Nation great. To subject all American children to one universal standard of program suitability bespeaks a lack of tolerance

^{8/} *Id.*

^{9/} *See* text accompanying footnote 4, *supra*.

and respect for varied religions and cultures. If the industry does not unilaterally change its present ratings system, the IPA urges the Commission to proceed with an advisory committee. Assisting parents to foster the moral development and mental health of our children should be one of the most compelling interests of government. The present ratings system advocated by the television industry does little or nothing to help parents make important decisions regarding the moral and mental welfare of our Nation's children.

Respectfully submitted,


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